Previous references.

Cs 291-08 Serials 1-2 B
Cs-318-07 Serials 1-2 B
Cs 7-10

1910-11 (Courts)

Later references.

Cs 3-11; 1-4 B.
Ct. 74-12 (1, 4, 5, 7)

File No. 290-10

Serial Nos. 166

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 166

Part B. for March 12

SUBJECT.

Recovery of the Institution fee from one Vedantha krishnamachar defendant in OS No 24 of 1903-4, On the file of the Sub-Judge Mysore

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Table of contents

(1) From the Dy Commr Mysore Disbuct No 690 of 16-6-11

Forwards for sanction a bill for Rs 61-6-8 being the costs & fees in the execution No 262 of 1908-09, on the file of the Subordinate Judge Mysore

(2) To the Dy Commr Mysore Dt nos 6107-7-11

Requests him to ascertain and furnish information as to how a fee of Rs 55-4-8 ~~G. R. S. 58~~ was allowed to the Public Prosecutor, for taking steps to recover a total sum of Rs 1507-

(3) From the same officer no 88 dt 16-8-11

Submits the Public Prosecutor's explanation Re: his claim for Rs 55-4-8 in O.S. no 24 of 1903-04.

(4) Do the same officer J 1283 dt 26-10-11

observes that the fee allowed by the Sub-Judge does not seem to be in accordance with the Scale prescribed by the Rule of Practice and the proper Scale would seem to be $\frac{1}{10}$th of the fee that would have been allowable, had an original suit been brought claiming the amount ordered in favour of Govt and Requests that it may be pointed out to the Public Prosecutor, who may be asked to State why the fee in each of the two cases should not be reduced to Rs 10/- and the balance remitted in favour of the judgment-debtor

(5) From the same office no 287 dt 15-12-11

Forwards copy of a letter from the Public Prosecutor and Requests for reasons stated therein, the amount claimed may be passed

(6) To The Dy: Comr of Mysore
" Compbi: to Govt
Registrar Chief Court-

No J 2497-9 dt 28.2.12

Sanctions with certain observations, a fee of Rs 10/- to the Public Prosecutor Mysore as a very Special Case

D. Vasudevarao
10/4/12

G.R.S. 11] 190-4

GENERAL AND REVENUE SECRETARIAT

(Courts.)

NOTES.

Cts File No. 290-10.

FILE HEADING.

Recovery of the institution fee from Vedantha Krishnama Char, defendant in O.S. N° 24 of 1903-04 on the file of the Subjudge, Mysore

From The Deputy Commissioner, Mysore District

No. 690 Dated 16.6.1911 Received 19.6.1911.

Diary No. 3122 | Enclos. one file Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for Sanction a bill for Rs 61-0-8 being the Costs and fees in Execution Case N° 262 of 1908-09 on the file of the Subordinate Judge's Court Mysore

1

NOTES AND ORDERS.

Subd. In Go° N°s J278-9 Cts 318-07-2 and J2873-4 Cts 291-08-2 & 24.7.1908 and 27.3.1909, respectively, a Sum of Rs 10/- was Sanctioned as an advance Subject to adjustment, for meeting the expenses

NOTES—First sheet.

GPB—15,000—24-4-09

G. R. S. 12]
General and Revenue Secretariat.

Ct. File No. 290 of 1910-11

Serial No.

Connected with the execution proceedings proposed to be taken for the recovery of Rs 150/- due to Govt from one Vedantha Krishnama-Char towards institution fee in a pauper Suit. The case is now reported to have been compromised on the understanding that the defendant named above shall to pay Rs 5 every month till the entire dues, inclusive of the Cost of execution are ~~clea~~ fully cleared up. A Sum of Rs 40 appears to have been accordingly paid up and credited to Govt.

2. In Submitting for Sanction a bill for Rs 51-0-8 claimed by the Public Prosecutor, the Dy Commr seeks instructions as to whether the advance of Rs 10 may be adjusted from the above monthly instalments of Rs 5/- The proper Course appears to be to Sanction the bill for Rs 61-0-8 including Costs & fees and request the ~~Dy Commr~~ Compr to adjust the advance out of this amount, the remainder being

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

paid to the Counsel engaged.

3 Subd with a draft order accordingly for approval or for other orders. Bar II may perhaps be consulted on this question of ~~Credit~~ adjustment.

Acg (22) 21.6.11.

SW(III) 23.6.11

4) How is a fee of ~~Rs~~ 5-5/- allowed to the public prosecutor for taking steps to recover a total sum of ~~Rs~~ 150/- ? It is said to have been allowed by the Court.

Please note

Sd

dt 23/6 5) 23/6/11.

Subd) The amount is no doubt far in excess of the fees admissible under the Rules of Practice. We may perhaps ascertain on what grounds the Court has allowed the fees. Draft Subd

Acg (22) 29.6.1911 SW(II) 29/6

PP 41-43 of the Civil Digest

Sd 8/7/11

Sd 29/6/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Cls File No. 290 of 19 10

Serial No.	
2	To the Deputy Commissioner, Mysore District JG 137-14 Requests him to ascertain and furnish information as to how a fee of Rs 55-4-8 was allowed to the Public Prosecutor for taking steps to recover a total sum of about Rs 150.
3.	From the Deputy Commissioner, Mysore District No 88 316-8-11. Submits the Public Prosecutor's explanation re his claim for Rs 55-4-8 in O S No 24 of 1903-4. ~~A draft order sanctioning the bill is put up.~~

7) Subd. The draft order in the file is revised and submitted. Bor II may perhaps be consulted in regard to the adjustment of the advance of Rs 10/-.

Hcs C(22) SN(111) 19.8.11 21-8-11

8) To Bor II for favour of opinion on the above point.

H. mins 23/8/11

22/8/11

Subd. Hor 86 23/8/11

9) The advance sanctioned in the first Schedule may be recovered as proposed & when recovered Hobs should be credited to the head under which the advance is now outstanding.

23/8/11

Note—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]

General and Revenue Secretariat. | Ctg File No. 290 of 1910-4

Serial No.

Subd for orders with the draft in the file :

Secs (122) SN(11) 24.8.11 24/8/11

(1) It is open to very great doubt whether the ~~fee~~ fee allowed by the Subordinate Judge is the correct fee. One fourth of the fee allowable in original suits is to be taxed in Execution proceedings instituted in Continuation of the same suit but in this Case the Execution proceedings instituted were independent of, though no doubt incidental to, the original suit The Govt were only interested in recovering about ~~Rs~~ 150/- from the deft in the suit and so far as the Govt were Concerned this was all his liability. Yet he has been made to pay a Lawyer's fee ~~Rs~~ 55/- for Execution proceedings taken out against him

(2) The Public Prosecutor argues that the judgment-debtor has not raised any objection. Very likely not, as the poor fellow is probably unaware of the injustice done. This is not the only Case in which such an Error has been

NOTE—Contn. sheet.

GPB—5,000-26-6-11

G. R. S. 12]

General and Revenue Secretariat.

do File No. 290 of 1910.

Serial No.

allowed to ocean. That is another case in which the Costs have been assessed wrongly much to the prejudice of the party concerned.

That case probably [illegible]

12 The prospective allowable would be one fourth of what have been assessed in a Suit to recover the like amount. The matter may perhaps be brought to the notice of the Chief Court for such action as may be considered proper.

[illegible] 21/9/11.

2nd Cr. Public Prosr. thro'

Point this out to the Dy Cr and ask him why the fee should not be reduced to 10 Rs or so and the balance remitted in favour of the decree judgt debtor.

14) The Bh. Ct may be asked also to take such steps as may be possible to prevent such glaring [illegible] mis carriages.

27/9/11

Note—Contn. sheet.

GPB—5,000—26-6-11

Put up duly

28/9/11

G. R. S. 12]
General and Revenue Secretariat.

Cls File No. 290 of 1910-11

7

Serial No.	
	1, Submitted with a draft to the Dy Commr - Mysore for approval. It is presumed that Rs 10/- have to be allowed in each of the two cases dealt with in this and the linked file below.
	2) Draft to the Chief Court if appd will be put up while passing the bill finally.
	Yes
	HCJ-122 1-10-11.
	J S Sw
	5/10/11.
4	To the D. C. Mysore Dr. J1283 Dy 26-10-11 Observes that the fee allowable by the Subjudge does not appear to be in accordance with the scale prescribed in the Chief Courts' Rule of Practice No 112 Dy 6-6-1902 & that the proper scale would seem to be one-fourth of the fee that would have been allowable had an original suit been brought claiming the amounts ordered in favour of Govt; and requests that it may be pointed out to the Public Prosecutor who may be asked to show why the fee should not in each of the two cases be reduced to Rs 10 and the balan

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

resulted in favour of the judgment debtor

5 From the Dy Commissioner,
Mysore Distt. N 287 15-12-11

Forwards a Copy of a letter from the Public Prosecutor, ~~[illegible]~~ and requests that for reasons States therein the amounts claimed may be passed Subd. The Public Prosecutor states that the interpretation put upon Rule 9 of the Rules printed at page 43 of the Civil Digest by the Govt is not in accordance with the judicial interpretation put upon the Said Rule by the Courts and that the practice is for the Courts to allow one fourth of the lawyer's fee assessed in the original Suit irrespective of the amounts for which execution is Sued out. The wordings of the Said Rule which are as noted in the margin appear to leave no room for doubt that our interpretation is the correct one. Before bringing these Cases to the notice of the Chief Court. & information re practice obtaining in that Court its opinion I may perhaps be

A fee equal to one fourth of that prescribed for decrees by Rules 1 and 8 shall be allowed to an advocate or Pleader in execution cases

NOTE—Contn. sheet.

GPB—55,000—27-4-05

Serial No.

be called for. ~~unofficially if there is no objection~~ The fact that the Public Prosecutor took pains to find out the defaulters' properties and executed the decrees fruitfully may perhaps be taken into consideration for allowing the amounts now claimed as fees

Subs for orders.

HCS-122 SW(III)
18-12-11.
20/12

19 The practice of the Courts" roped in by the Public Prosecutor ~~does not~~ seems to ~~have been authorised~~ be the practice of the Subordinate Civil Courts in the State and does not seem to have ~~received~~ been authorised by the Chief Court, either by rules of practice or (reported) decisions.

20 May the Chief Court be unofficially Consulted

20/12/11.

2nd/ 21

Certainly.

8/1/12

9.1.12

NOTE— Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

File No. of 19

Serial No.

U.O-J 38

22 Forwarded to the Registrar the Chief Court for favour of opinion of the Court.

B. O
S Hemyamuya
Forder!

9/1/12

Recd 10/1/12

23

No: 2909
220
III Ch
25/1

It is gathered from the execution proceedings that the Subordinate Judge has never ordered that the judgment debtor shall pay a pleader's fee of Rs: 55 - 4 - 8. This amount was entered by the public prosecutor in his application of 21. 12. 08 and was carelessly passed as correct by the execution clerk. The Chief Court consider that the claim is preposterous and the assertion of the public prosecutor that such claims are allowed in practice is absurd. The public prosecutor has entirely lost sight of the fact that Government was not a party to the suit and that ~~their right to recover the institution fee which the defendant in the case was ordered to pay came into~~ existence only after the decree was passed. That right being limited to the amount of Court fee payable to Government the Advocate appearing on behalf of Government to recover that amount could not claim any fee in excess of what the rules allow on such amount. The value of the subject matter of the suit and the fee

NOTE— Contn. sheet.

GPB—50,000—12-8-10

Serial No.

fee allowed to the Advocates who appeared for the parties in the case has nothing to do with the fee to which the public prosecutor is entitled. The fee should be calculated on ¼th of Rs: 150/- subject to the prescribed minimum.

The file is retransmitted.

24. 1. 12.

24/1/12

Subd for orders. It is presumed that the same remarks hold good in the case dealt with in the linked file below. (Cts. 3-11). The point now for orders is whether only the amount allowed by the Rules should be passed or whether it should arbitrarily be fixed at Rs 10 for each case, as referred to in the last para of Sl. 4 above.

Cts 122 SW (11)
29-1-12

Please put up a draft on the lines of the Ch. Ct's. remarks. A fee of Rs 10/- may be allowed in these cases as a Special Case, as it was in a way promised in our last Communication.

29/1/12

Cts 29/1/12

NOTE— Contn. sheet.

G. R. S. 12]
General and Revenue Secretariat.

Cts File No. 290 of 1910–11

Serial No.

27

Draft Submitted. A Separate draft in the linked file deals with the other Case

HCS-122 SW(11)
1-2-11.

4/2/11

28 Please Change the draft by referring to the Section in the Charter which is the basis of the order

3/2/11.

29 Draft revised accordingly and Submitted

HCS-122 SW
8-2-11.

8/2/11

30 Lubdhaunder.

[To be Lubdhaunder the other draft is need back from Board]

10/2/12

31 Draft appd by Second Councillor
17.2.12
MDS

2 Secy

21/2/12

NOTE— Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

13

To File No. 290 of 1910

Serial No.	
6	Do The Dy. Commr of Mysore " Comptroller to Govt. & " Registr, Chief Court of Mysore No. J 2497-9 & 28.2.12 Sanctions with certain observations, a fee of Rs 10/ to the Public Prosecutor of Mysore, as a very special case.

NOTE:- Contn. sheet.

GPB—50,000—12-8-10

1911 190

From M Kantaraj Urs Esq., BA
Deputy Commissioner,
Mysore District.

To C S Balasundaram Esq., BA
Secy. to Govt. of Mysore,
Gen. & Rev. Depts.

Dated 16th June 1911

Despatched

Received

General No. 690
No.

Enclosure No. Nil

Submitting for sanction a bill for Rs 51/-/8 in favour of the Public Prosecutor

GBPM—21-9-1910—1,000.

No. 6990
Enc. No. 7 & 2

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,

Dated Mysore Camp ..... 16th June *191*

FROM

M. Kantharaj Urs B.A.
.....Esq.,
DEPUTY COMMISSIONER, MYSORE DISTRICT.

To

C.S. Balasundram Iyer B.A.
.....Esq.,
&c.: SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

As directed in Government order No. J278-9 cts 318-07-2 dated 24th July 1908 I have the honor to state that I engaged the services of Mr.B.Krishmachar Advocate and Public Prosecutor Mysore for conducting execution proceedings against Vedantha Krishnamachar, defendant in O.S.No.24 of 03-04 Exn: No. 2626/08-09 on the file of the Sub Judge Mysore, on account of the balance of institution fee viz., Rs.150 due by him. While the case was pending, the defendant represented to me many a time, that he was poor and consequently could not pay the amount in a lump sum, that he was a low paid school master getting only Rs.10 and as such he might be allowed to pay Rs.5/ by monthly instalments in satisfaction of the dues. Both the Amildar and the Sub Divisional Officer reported that the representations of the defendant were true and deserved consideration. Hence in the interest of Government the case was compromised on the understanding that the defendant must pay Rs.5/ every month till the entire dues, inclusive of the cost of Execution case were fully cleared and that any default in payment would result in ~~&&&&&&&&~~ taking steps against him in the execution side.

* Amount due to Government 250-0-
Amount paid on 31.12.06 100-0-0
Balance due 150-0-0

It is reported that the defendant has in all paid Rs.40 at Rs.5/ per mensem, from September 1910 and the same was credited in the T.Narsipur Taluk Treasury and the fact inti-

intimated to the court for necessary entries being made in the Decree.

Under these circumstances the case has been practically closed, and the bill for Rs.51-0-8 received from the Public Prosecutor Mysore on account of fees and costs due to him is herewith submitted for obtaining sanction of Government.

As regards the adjustment of advance of Rs.10 sanctioned in Government order noted in the margin, instructions are solicited as to whether the Amildar of T.Narsipur Taluk, may be directed to credit the next two instalments in adjustment, of the advance which should not be kept unadjusted for along time, and credit the further instalments towards the dues.

G.O. No. 278-9/ctd 348-07-3 dated 24-7-08 = Rs 5/-
G.O. No 2873-4/ctd 291-0-8 dated 27.3.1909 = Rs 5/-
Total Rs 10/-

The entire file of vernacular papers ending with T.Narsipur Taluk Amildar's No.308/145 of the 18th April 1911 is herewith submitted for favour of perusal.

I have the honor to be

sir,

your most obedient servant

Deputy Commissioner

Mysore District.

29.611

3

G.R.S. 26]

File No. 290-10

Serial No. 2.

Diary No. of letter replied to

No. J 61 Encl 1 file.

General and Revenue Secretariat

(CS)

, the 19 ..

To

The Dy Comm Mysore St.

Date of issue 7-7-11

Signed by mr S Hirigamaiya

(To be returned with the reply)

In returning herewith the records and the bike of the Public Prosecutor, Mysore Division, received with your letter N 690-8 16-6-1911, I am directed to request you to be so good as to ascertain and furnish information as to how a fee of Rs 55-4-8 was allowed to the Public

over.

SUBJECT.

Rec SN

6/7/11

Prosecution for taking steps to recover a total sum of about Rs 150. in this Case.

I have &c

for Secy

SW(11)
28/6/11

List of enclosures,

Copied by CB 6/7

Examined by

GPB—20,000—26-9-10

III
1718 Cb 1911

From M. Kanakia Rao, B.A., 93
Deputy Commissioner,
Mysore District.

To 1911-1912
C.S. Srinivasachar, Esq., B.A.,
Secy. to Govt. of Mysore,
Gen. & Rev. Depts.

FILED
SECRETARIAT No.

Dated Mysore August 3-1911.

Despatched

Received

General No. 886.
No.

Enclosure No.

Submitting Public Prosecutor's explanation re his claim for Rs 53-4-8 in O.S. no. 24 of 1903-04

Cb 290-10
8.3.

No. C
Enc. No. T + 4 C

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,

Dated Mysore Camp 14th August 1911.

FROM

M. Kantha Raja Iyer Esq., B.A.,
DEPUTY COMMISSIONER, MYSORE DISTRICT.

To

C. S. Balasundaram Iyer Esq., B.A.,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

With reference to your letter no T 61/cts 220-10-2 of the 7th July, 1911 requesting to obtain and furnish information as to how a fee of Rs 53-4-8 was allowed to the Public Prosecutor, Mysore in os no 24 of 03-04/exn. Case no 262 of 08-09 on the file of Sub-Judge Mysore I have the honour to forward herewith a Copy of letter no 11 of 23rd July 1911 received from the Public Prosecutor, which explains clearly how the amount in question was allowed to him.

The bill and the file of Vernacular papers received with the letter under reply are also forwarded herewith and to request that the bill may be sanctioned

I have the honour to be,

Sir,

Your most obedient servant,

S. Shabat Lampson

Asst. Commr.

Deputy Commissioner,

J. L. Mysore District.

7

1911

From

The Public Prosecutor,
Mysore

To

The Deputy Commissioner,
Mysore District.

Dated 23. 7. 1911

Despatched 23. 7. 1911.

Received

General No. 11

No.

Enclosure No. one file

Sir,

In reply to your No 301 of the 14th instant, I have the honour to submit the following ~~ring~~

The learned Subordinate Judge has allowed Rs 55-4-8 as advocate's fee presumably acting under para 9 page 43 of the civil digest. Rs 55-4-8 is exactly one fourth of the advocate's fee allowed in the original suit No 24 of 1903-04 as may be seen from the copy of the decree in the file

Besides I may be permitted

GPB—70 reams—27-12-09

permitted to add that the Judgement-
debtor has agreed to keep up this amount
also. If the amount allowed was incorrect
he would have objected

In the absence of any objection from
the Judgement-debtor and the Court I
request Your to kindly have the amount
Sanctioned and paid to me as early as
possible

I have the honour to be,
Sir,
Your most obedient servant,
(By) B. Krishnamma Char
Public Prosecutor

P.S.
The file of papers sent
me together with my
bill is herewith returned
Init: B.K.

"Copy"

S. R. Kotharpur
Assistant-Commissioner,
for Deputy Commissioner,
Q.V. Anantapur district

12

G.R.S. 26] 493/9/10

X

9

cls File No. 290-10

Serial No. 4-

Diary No. of letter replied to

No. J 1283 Encl 1 file

General and Revenue Secretariat

(cls)

, *the* 19 .

Date of issue 26-10-11

Signed by [redacted] Wijayawickrama

To

The Dy Commissioner

Mysore [redacted]

Sir,

Adverting to the correspondence ending with your letters Nos 87 and 88 dated the 14th August 1911, in the matter of the claim of the Public Prosecutor, Mysore Division, for fees in Execution Cases Nos 229 to 249-10 and 262 of 1908-09

over.

SUBJECT.

[redacted]

respectively on the file of the Subjudge, Mysore, I am directed to observe that the fee allowed by the Subordinate Judge in both of these Cases does not appear to be in accordance with the Scale prescribed in the Chief Courts Rule of Practice No 112 of 4.10.1902 printed at pages 43 of the Civil Digest. The fact that the judgment debtor has not objected to pay the amount cannot be considered as a proper ground for allowing a fee which is not in accordance with the prescribed Scale. I am to request that this may be pointed out to the Public Prosecutor who may be asked to state why

The proper scale would seem to be ~~not~~ one for inasmuch as the order in favour of Govt ~~by the~~ Executed ~~was not in~~ did not constitute proceedings in Continuation of the original Suit. ~~of~~ one fourth of the ~~fee~~ fee for that would List of enclosures, have been allowable had an original Suit been brought ~~to recover the amount~~ claiming the amounts ordered in favour of Govt

Copied by

Examined by

GPB—20,000—23-9-10

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

the fee should not in each Case of the above Cases be reduced to Rs 10/- and the balance remitted in favour of the Judgment-debtors.

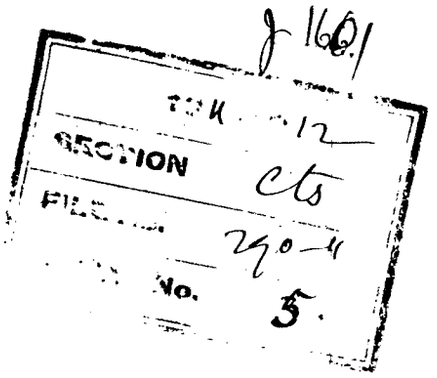
The bills together with the original endorsement are herewith returned

I have &c.

For Secy

DFT Jcs-122
7-10-11.

GPB—10,000—22-2-11



III/16/12 Pro Ctr 190

From

M Kantaraj Urs Esq., BA
Deputy Commissioner,
Mysore District.

To

C S Balasundaram Esq., BA
Secy. to Govt. of Mysore,
Gen. & Rev. Depts.

Dated 15th Dec 1911

Despatched

Received

General No. 287.
No.

Enclosure No. One & File

Remarks for sanction
a bill of the Public
Prosecutor for Rs 37-11-3.

No. 287
Enc. No. Nee File

OFFICE OF THE ...Dy.....Commissioner
MYSORE DISTRICT,
Dated Mysore Camp 15th Dec. 1911 191

FROM

M.Kantaraj Urs ESQ., B.A
DEPUTY COMMISSIONER, MYSORE DISTRICT.

To

C.S.Palasundram Iyer ESQ., B.A.
SECRETARY TO THE GOVERNMENT OF HIS
HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

In reply to your letter No.J.1283 /cts 290-10-4 of the 8th October 11 requesting to point out to the Public Prosecutor Mysore why the fee claimed by him in Execution cases Nos.229 of 09-10 and 262 of 08-09 respectively on the file of the Subordinate judge of Mysore, should not be reduced to Rs.10 in each case, I have the honor to forward herewith copy of letter No.104 of the 25th ultimo received from the Public Prosecutor explaining in detail how the Subordinate Judge levied the fee and he claimed it in each of the above cases.

As stated in para 5 of the Public Prosecutor's letter above referred to, it is a fact that he had not only to conduct the case on behalf of Government but also to find out the defaulter's properties to be proceeded against for the recovery of the amount due to Government and at last successfully conducted the cases under reference.

I therefore request that sanction of Government may kindly be accorded to the bills herewith retransmitted.

The files of vernacular papers received with the letter under

under reply is also enclosed for reference.

I have the honor to be

sir,

your most obedient servant

Deputy Commissioner

Mysore District.

letter No. 104 dated 25.11.11 from the Public Prosecutor Mysore to the Deputy Commissioner Mysore District.

Sir,

In reply to your memo No.2785 dated 30.10.11 forwarding a copy of Govt. letter No. J 1283 dated 26.10.11 I beg to state as follows:-

1. That the interpretation put upon rule 9 printed on page 43 of the Civil Digest by the Govt., is not in accordance with the Judicial interpretation put upon the said rule by the courts in Mysore.

2. The courts have been uniformly taxing lawyer's fees in execution cases at one fourth of the lawyer's fee allowed in original suits irrespective of the amount for which execution is sued out.

3. In conformity with such judicial interpretation and uniform practice, the Sub Judge has in the cases under consideration taxed and allowed my fee at ¼the of the fee in each of original suits in execution of decrees in which I have under instructions from Government recovered the amounts payable to Government.

The court having allowed such fees and the parties having acquesed in the correctness of the amounts and paid the same into court and the Government having received the same I respectfully submit that I am entitled to the fees as taxed by the court.

I have had to appear in the court on nearly 10 dates of hearing and present three applications in execution of the decree against Rangammanni and on about 7 dates of hearing in connection with the decree against Krishnamachar. Further I had to find out what property was available for being proceeded against, collect information regarding it and cause attachments to be effected. My work in connection with these decrees extended over a period of 18 months in one case and 8 months in another.

In view of the facts stated above I trust, that the Government will be pleased to see that the sum of 10 Rs. offered by Government is quite inadequate to the amount of work rendered

rendered by me and that the Government will be pleased to order payment as per my bills.

The file of papers is herewith returned.

I have etc.,

sd.B.Krishnamachar

Public Prosecutor.

"C o p y"

Deputy Commissioner

Mysore District.

G.R.S. 28.]

Cls File No. 290-10

Serial No. 4

Diary No. of letter replied to 1601

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(Police.)

, *the* 19

Date of issue 28.2.12

Signed by mm S. Hariyannaya

READ--

Govt Order No. J278-9 Cls 318-07-2 and J2873-4 Cls 291-08-2 dated the 24th July 1908 and 27th March 1909, respectively, Sanction-ing ~~on the above~~ a Sum of Rs 10, as advance for meeting the initial expenses in Connection with the recovery of the institution fee in

over

ORDER THEREON.—No.

SUBJECT,

GPB—10,000—19-4-10

Applied copy 26/2/12

O.S. N° 24 of 1903-04 admitted in forma pauperis on the file of the Subordinate Judge of Mysore.

(2) Letter N° 690 dated the 16th June 1911 from the Dy. Commr. Mysore District, reporting that the execution Case was Compromised on the understanding that the defendant should pay Rs 5/- every month till the entire dues inclusive of the cost of execution are fully cleared off, and forwarding for Sanction a bill for Rs 61-0-8 on account of the Costs and advocates fees in the Case

~~Order thereon N.~~

(1) Recorded

(2) The bill received with the letter read above is ~~Sanctioned for Rs 61-0-8.~~

~~(3) Letter N° 88 dated the 14th August 1911 from the same officer on the subject~~

P.J.O.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

(3) Correspondence ending with letter N° 287 dated the 15th December 1911, from the Same Officer, explaining the circumstances under which a fee of has been claimed Rs 55-4-8 ~~was allowed~~ by the Public Prosecutor Mysore Division.

J 2494-9/15-290-10-15
J 28-2-12.

Order thereon N°.-

~~The Chief Court whose opinion was sought in the matter has gathered from~~

The Chief Court, who were Consulted in the matter remark that it is gathered from the execution proceedings that the Subordinate Judge has never ordered that the Judgment-debtor shall pay a pleader's fee of Rs 55-4-8; that this amount was entered by the Public Prosecutor Mysore Division in his application of 21.12.1908, and was carelessly passed as correct by the ~~Govt~~ clerk. Govt ~~in Communication with the Chief Court~~ accept the opinion of the Chief Court ~~in the matter~~

GPB—10,000—22-2-11

that the Claim of the Public
Prosecutor for the said amount is extravagant
~~for the said amount~~
and that his assertion that
such claims are
allowed in practice
is unsustainable. (The Public
Prosecutor has entirely
lost sight of the fact
that Govt was not a
party to the Suit, and
that their right to
recover the institution
fee which the defendant
in the Case was ordered
to pay, came into existence
only after the decree
was passed. That amount
being limited to the
amount of Court-fee
payable to Govt, the
advocate appearing
on their behalf to

As remarked by the Ch. -

for which Exn proceedings would viz ~~Rs~~ 150/- in this case

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

recover that amount. I Could not claim any fee in excess of what the rules allow on such amount. The Value of the Subject matter of the Suit and the fee allowed to the advocates who appeared for the parties in the Case, has nothing to do with the fee to which the Public Prosecutor is entitled, ~~It is therefore apparent that the fee accordingly to the Chief Court R.P.~~ Should be Calculated on One fourth of Rs 150/- Subject to the prescribed minimum But Govt are pleased as a Special Case to pleased to allow. Sanction a fee of Rs 10/- in this Case. The bill o received with the letter

GPB—10,000—22-2-11

read above is accordingly

Sanctioned for Rs 15-12-0
and forwarded to the Comptr.
for audit and adjustment

of the advance of Rs 10
Sanctioned in the G.O.
read above, and for
payment of the remainder
to the Public Prosecutor
Mysore Division.

The fees of ~~Rs~~ 4 3/4/8 claimed by the P.P. towards his fee and hereby disallowed, if shewn, if already recovered, be refunded to the ~~party~~ ~~judgment~~ party ~~debtor~~

For Secretary to Govt

To

The Dy Commissioner Mysore District
(returning the file papers)

The Comptr to Govt (with the Sanctioned bill)

Regr of the Ch. Ct.

17/2/12